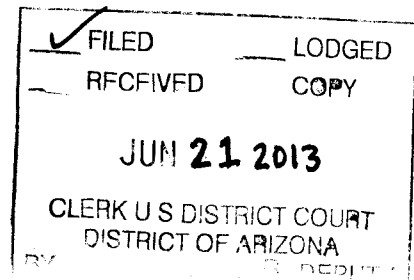


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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**PAMELA SHEALY,**  
**Plaintiff,**

**v.**

**CAVALRY PORTFOLIO SERVICES,  
LLC; and  
DOE 1-5**  
**Defendants.**

**CV-13-01278-PHX-MEA**

Civil Action No. \_\_\_\_\_

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING  
TO FEDERAL AND/OR LOCAL RULES AND PRACTICES  
AND IS SUBJECT TO REJECTION BY THE COURT.

REFERENCE 5.4  
(Rule Number/Section)

**COMPLAINT**  
**(Jury Trial Demanded)**

1. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C.  
1692 et seq. ("FDCPA").

**JURISDICTION AND VENUE**

2. This Court exercises jurisdiction under 15 U.S.C. 1692k and 28 U.S.C. 1331. This District is of proper venue as Defendants are residents within this District and Defendants engaged in the activities alleged herein while so residing.

### **PARTIES**

3. Plaintiff, Pamela Shealy (hereinafter "Plaintiff" or "Ms. Shealy"), is a natural person residing in Chapin, South Carolina. Defendant, CAVALRY PORTFOLIO SERVICES, LLC, is a limited liability company believed to maintain its principle place of business at 4050 E. Cotton Center Blvd. #20 in Phoenix, Arizona.

4. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as DOE 1-5, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities once ascertained. Plaintiff believes and thereon alleges that the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that such defendants are responsible to Plaintiff for damages and/or monies owed.

5. CAVALRY PORTFOLIO SERVICES, LLC and DOE 1-5 shall hereafter be jointly referred to as "Defendants."

6. Defendants regularly operate as third-party debt collectors and are "debt collectors" as defined by 15 U.S.C. 1692a.

### **FACTUAL ALLEGATIONS**

7. Defendants engaged in debt collection efforts in an attempt to collect a consumer debt allegedly owed by Ms. Shealy.

8. Defendants began calling Ms. Shealy in mid 2011 and continued through August 2012. Defendants often called Ms. Shealy multiple times per day.

9. Ms. Shealy advised Defendants that she could not take personal calls at her work number and demanded that Defendants cease calling her at work. Increasingly harassed by the Defendants' calls, Ms. Shealy obtained the debt consolidation services of First choice Credit Management.

10. Despite Ms. Shealy having advised Defendants of the prohibition of doing so, Defendants called Ms. Shealy at her work number on June 21, 2012.

11. On August 29, 2012, Defendants called Ms. Shealy at her home number. The collector advised Ms. Shealy that she was "wasting money" with First choice Credit Management and hung up on Ms. Shealy without having provided his name or disclosing that he was a debt collector.

### **CAUSES OF ACTION**

#### **COUNT I**

12. Plaintiff re-alleges paragraphs 1 through 11, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692d(6) and 1692(e)11 with regards to Plaintiff as follows: In a communication with Plaintiff, Defendants' collection agent failed to state his name or disclose the communication was from a debt collector and being made in an attempt to collect a debt.

#### **COUNT II**

Plaintiff re-alleges paragraphs 1 through 11, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants, and each of them, violated 15 U.S.C. 1692c(a)(1) and 1692c(a)(3) by placing calls to Plaintiff at her work number after being informed that such was prohibited.

### **COUNT III**

Plaintiff re-alleges paragraphs 1 through 11, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated 15 USC 1692d with regards to Plaintiff as follows: Defendants' engaged in conduct the natural consequences of which was to harass Plaintiff.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, recovery for each cause of action in the alternative, as follows:

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For \$2,155.00 in legal fees incurred in responding to unlawful collection activity;
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to 15 U.S.C. 1692(k);
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

### **JURY DEMAND**

Plaintiff demands a jury trial.

Date: June 20, 2013



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